

STATE OF NEW MEXICO  
COUNTY OF DOÑA ANA  
THIRD JUDICIAL DISTRICT COURT

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Hon. Marci Beyer

Plaintiff's request for "an order requiring Defendants to fund a public health monitoring program designed to detect, assess, and treat medical disorders associated with EtO exposure, under State supervision" and "to abate the public nuisance" is adequately pleaded.

3. Defendants' Rule 1-012(B)(6) Motion seeks dismissal of Plaintiff's statutory and common law public nuisance claims (Counts I and II) for failure to state a claim upon which relief may be granted. The Court finds Plaintiff's statutory and common law public nuisance claims adequately pleaded.
4. Defendants' Rule 1-012(B)(6) Motion seeks dismissal of Plaintiff's strict liability claim (Count III) for failure to state a claim upon which relief may be granted. The Court finds Plaintiff's strict liability claim adequately pleaded.
5. Defendants' Rule 1-012(B)(6) Motion seeks dismissal of Plaintiff's claim for negligence (Count IV) for failure to state a claim upon which relief may be granted. The Court finds Plaintiff's negligence claim adequately pleaded.
6. Defendants' Rule 1-012(B)(6) Motion seeks dismissal of Plaintiff's claim under the Unfair Practices Act ("UPA") (Count VI). The Court finds Plaintiff's UPA claim adequately pleaded.

For these reasons, as well as the reasons set forth during the October 28, 2021 hearing, Defendants' Rule 1-012(B)(6) Motion is **DENIED**.

Defendant Sterigenics U.S., LLC shall answer the Complaint no later than 30 days from entry of this Order.

**IT IS SO ORDERED.**

Date: 12-20-2021

Mari E. Beza

Marci Beyer, District Judge

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